

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the Final Office Action mailed October 16, 2009, claims 1-42 have been rejected. In response, the Applicants have submitted the following remarks, and amended claims 1, 11, 25 and 40. Accordingly, claims 1-42 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

Examiner Interview Summary

On January 6, 2010, the Examiner George Monikang and the undersigned conducted a telephonic interview. The applicants respectfully thank the Examiner for his kind attention and willingness to interview this matter. During the interview, the undersigned argued to the Examiner that the cited prior art references do not teach nor make obvious sending a notification message simultaneously to caregiver receivers from all of a cellular network, a notification transmitter, and a WLAN access point. As discussed below, there is no teaching of this structure or functionality in the cited prior art. Nor does the Examiner provide any citation to show that the notification message is sent simultaneously to caregiver receivers from all of a cellular network, a notification transmitter, and a WLAN access point in his Office Action.

The undersigned and Examiner Monikang also discussed the Welch reference in great detail. The undersigned argued that, referring to Figure 2 of the Welch reference, that the Welch reference included a single wireless transceiver, 220, 260, that transmitted data through various protocols, as needed. The Welch reference indeed does not teach dedicated transmitter/transceivers that simultaneously transmit or transfer data in each of their appropriate protocols. Neither Welch, Brown, nor StatView, nor their combinations, teach the ability to redundantly transmit vital information through dedicated protocol transmitter/transceivers through personal electronic devices held by physicians. This is the limitation of the independent claims as amended that is not taught by any combination of the currently cited prior art references.

Once again, the applicants respectfully thank the Examiner for his kind attention and willingness to interview this matter.

Rejections Under 35 U.S.C. §103

Claims 1-42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over StatView RespondNow, 2002, GE, USA. (hereinafter StatView), in view of U.S. Patent No. 5,997,476 to Brown (hereinafter Brown), and further in view of U.S. Patent Publication No. 2004/0097246 to Welch (hereinafter Welch) The applicants respectfully disagree with this rejection.

Referring to Figure 1 of the present application the system and method includes a notification server 52 that is capable of sending an alert to a caregiver receiver 58, 60, 62 using each of the cellular network 42, notification transmitter 40 or WLAN access point 33. The notification server generates these messages from alarms from the monitors 14, 16, 18, and other system alerts that may occur. As discussed above, the limitations added to the independent claims in the previous Office Action include the notification transmitter, the WLAN transceiver, and the cellular network transceiver, all configured to receive the alert from the notification server and transfer the notification message to a portable electronic device. By the above amendments, the applicants have further clarified the independent claims to better capture the invention and the clear differences between the invention and the prior art references, and to further clarify that each device is dedicated to that protocol.

As discussed with the Examiner in the latest Examiner interview, this architecture and functionally of the system and method of the present application, allows each of these dedicated transmitters/tranceivers to transfer simultaneously a notification in a variety of protocols. This redundancy allows any targeted caregiver receiver to receive this alarm regardless of the protocol that receiver utilizes, or is currently functioning.

As will be discussed below, it is apparent that the cited prior art references StatView and Brown, do not teach nor make obvious this functionality and architecture.

The StatView reference teaches a closed loop, wireless alarm notification system that captures alarm notifications from a monitoring network and delivers it to a caregiver. Within the Office Action, it is stated that the StatView reference teaches "the medical monitoring system includes a notification server that converts the alert to an appropriate format and a notification transmitter that receives the alert and wirelessly transfers the notification message to a portable electronic device". However, there is no indication in the StatView reference that this is indeed

taught. First, no notification server is listed in the StatView reference, and it is clear from the StatView reference that the device captures notification alarms from an existing system, or a compatible system as listed on page 2. The StatView reference does not teach a notification transmitter, a WLAN transceiver, and a cellular network transceiver, all configured to receive a converted alert from the notification server and wirelessly transfer the notification message to a portable electronic device of a pre-selected caregiver.

The Brown reference teaches a network system for interactive communication and remote monitoring of individuals. While the Brown reference does indeed teach voice data transmission, the Brown reference does not teach the functionality of the notification server, nor of the transmission of the alarm notification through a notification transmitter, a WLAN transceiver and a cellular network transceiver as described and claimed in the present invention.

The Welch reference teaches a method and apparatus for displaying textual data embedded in broadcast media signals. As discussed above in the Examiner Interview Summary, the Welch reference includes a single wireless transceiver, 220, 260, that may format the wireless transmission according to any of a number of wireless protocols [Welch, paragraph 20]. As discussed above, the Welch reference, as similar to the Brown and StatView references, does not teach dedicated transmitters/transceivers that are dedicated to a specific protocol that allow a redundant notification to be sent to caregivers simultaneously.

The independent claim 1 is directed to a medical monitoring system of a health care facility, the system comprising a plurality of patient monitoring devices, wherein each of the plurality of patient monitoring devices sends an alert to the medical monitoring system through a hospital network when any of a plurality of patients being monitored has a condition that requires attention, wherein the medical monitoring system generates a notification message when any one of the plurality of patient monitoring devices sends the alert, a notification server that converts the alert to an appropriate format; and a notification transmitter, WLAN transceiver, and a cellular network transceiver, wherein each of the notification transmitter, the WLAN transceiver, and the cellular network transceiver are protocol dedicated devices, and further wherein each receives the alert from the notification server and simultaneously transfers the notification message wirelessly to a portable electronic device of a pre-selected caregiver, wherein the portable electronic device includes an audio signal input device, an audio signal output device, a

wireless transceiver, and a processing circuit, wherein the processing circuit receives the notification messages indicating that the patient being monitored has a condition that requires attention and facilitates transfer of voice data to the audio signal output and from the audio signal input by way of the wireless transceiver, further wherein the portable electronic device communicates via a plurality of wireless protocols, corresponding to the plurality of patient monitoring devices. As discussed above, neither StatView, Brown and Welch, nor their combination teach the structure nor functionality of the present system and method. For at least these reasons, the independent claim 1 is allowable over the teachings of StatView, Brown, Welch and their combination.

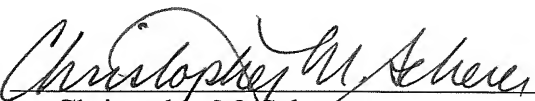
The Applicants respectfully submit that the independent claims 11, 25 and 40 are also allowable over the teachings of StatView, Brown and Welch for the same reasons as discussed above with respect to the independent claim 1.

Claims 2-10, 12-24, 26-29 and 41-42 are dependent upon the independent claims 1, 11, 25 and 40. As discussed above, the independent claims 1, 11, 25 and 40 are allowable over the teachings of StatView, Brown, Welch and their combination. Accordingly, claims 2-10, 12-24, 26-39, and 41-42 are also allowable as being dependant upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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